

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DONNA GARBACCIO, ET AL.,

Plaintiffs,

v.

ST. JOSEPH'S HOSPITAL AND MEDICAL
CENTER AND SUBSIDIARIES, ET AL.,

Defendants.

Civil Action No. 16-2740

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

John Michael Vazquez, U.S.D.J.

This matter comes before the Court on two motions: (1) motion of Plaintiff Dana Garbaccio through her counsel Cohen Milstein Sellers & Toll, LLC ("Cohen Milstein") and Keller Rohrback, L.L.P. ("Keller Rohrback") (collectively, "Garbaccio's Counsel") to appoint interim lead plaintiff and interim co-lead counsel [D.E. 64]; and (2) motion of Plaintiffs Mary Lynne Barker, Anne Marie Dalio and Dorothy Flar, through their counsel Kessler Topaz Meltzer & Check, LLP ("KTMC") and Izard, Kindall & Raabe ("IKR") (collectively, "Barker's Counsel") to appoint interim co-lead counsel [D.E. 70]. Both motions are opposed by the respective Plaintiffs, and unopposed by Defendants. In response to these motions, on March 13, 2017, Magistrate James B. Clark filed a Report and Recommendation ("R&R"). D.E. 94. In his R&R, Judge Clark recommended that this Court grant in part and deny in part Garbaccio's motion and deny Barker's motion. *Id.* Judge Clark recommended that no interim lead plaintiff be appointed at this time and further recommended appointing Garbaccio's Counsel as interim co-lead counsel. *Id.* The parties

were given notice that, pursuant to Federal Rule of Civil Procedure 72(b)(2) and Local Civil Rule 71.1(c)(2), they had fourteen days to file an objection to Judge Clark's R&R. To date, it appears that neither party has objected. The Court has conducted a review of the record and of Judge Clark's R&R for clear error,¹ and for good cause shown,

IT IS on this 29th day of March, 2017,

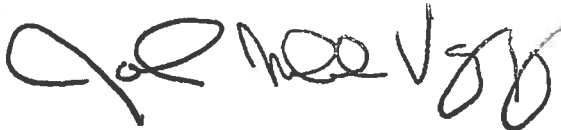
ORDERED that the R&R filed March 13, 2017 (D.E. 94) is **ADOPTED**² and made part of this Order; and it is further

ORDERED that Garbaccio's motion (D.E. 64) is **GRANTED IN PART** and **DENIED IN PART**; and it is further

ORDERED that Barker's motion (D.E. 70) is **DENIED**; and it is further

ORDERED that no interim lead plaintiff will be appointed at this time; and it is further

ORDERED that Cohen Milstein Sellers & Toll, LLC and Keller Rohrback, L.L.P. are appointed as interim co-lead counsel.

A handwritten signature in black ink, appearing to read 'John Michael Vazquez', is written over a horizontal line.

John Michael Vazquez, U.S.D.J.

¹ *De novo* review is required when an objection is made. 21 U.S.C. § 636(b)(1). *See also* Fed.R.Civ.P. 72(b)(3). However, when no objection is made, the Court reviews a magistrate judge's R&R for clear error. *McKean v. Colvin*, 150 F. Supp. 3d 406, 409-10 (M.D. Pa. 2015).

² The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).